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EDITORIAL NOTES.

NEEDLESS ANXIETY.

The Appellate Court, when it so gratuitously and intelligently reversed the decision of the Supreme Court in the case *ex parte* Gerino, and in the Arwine case, stated that our medical practice act was unconstitutional, not only did a rather stupid thing, but also made a lot of trouble for the secretary of the State Society. Of course, the Board of Examiners promptly appealed the Arwine case to the Supreme Court, and, equally of course, the Supreme Court as promptly reversed the Appellate Court and sent the case back for a rehearing. What new foolishness the Appellate Court may subsequently be guilty of, no man can say; for any judicial body that will go out of its way to display its ignorance by calmly reversing a decision of the Supreme Court, may be expected to commit almost any edifying "stunt" in mental gymnastics. We thought that this had been fully explained in the December JOURNAL, but apparently many of our members are too busy to read their JOURNAL carefully, and, having heard of the first decision of the Appellate Court, and not of its subsequent upsetting, they have the mistaken impression that our medical law has been declared unconstitutional. This is most emphatically not the case. The fundamental points in the law were fully sustained by the Supreme Court in the now celebrated case, *ex parte* Gerino. In that decision the Supreme Court held that the Legislature has the right to delegate its appointing power and that it was constitutional for the Legislature to instruct the State medical organizations to appoint or elect the persons who should serve on the Board of Medical Examiners and carry out the police provisions of the law. In the same decision the Court also held that the Legislature could not intelligently fix the standards of requirement, as these were subject to natural change from time to time; the Association of American Medical Colleges, on the other hand, would be ever in touch with advances in medical science and could the more satisfactorily fix these standards of requirement. These two points are the fundamental points of the medical practice act—and they have already been declared constitutional by the Supreme Court. Therefore, do not worry about what the *Los Angeles Times,* or any other daily paper that attempts to know all about medicine and things medical, may print. Do not allow any one to alarm you by saying that our law is unconstitutional or that it may be declared so, for it has already been passed upon and its constitutionality sustained.

OSTEOPATHIC PHYSICIANS.

This is not the case, however, with the law passed in 1901 regulating the practice of osteopathy. That law has recently been declared unconstitutional. (Superior Court, Los Angeles; W. P. James, J., Dec. 28, 1906.) The law authorized the board to issue a certificate to any osteopath presenting a diploma from a college of osteopathy recognized by the Board of Examiners, but did not define *what qualifications a college should have in order to be so recognized.* The decision specifically states that not a single portion of the act is in question, but the entire act, and it is declared null and void. As a result of this, the osteopaths have applied to the Legislature now in session for a new law; in fact, at least two bills have been introduced up to the time of writing and we understand that a third is to be presented. Now this opens up a pretty wide field. It is a well-known fact that whatever the expressed intentions of the osteopath may be, when he is licensed to practice osteopathy he really begins to practice medicine. He dubs himself an osteopathic physician. A physician is one skilled in physic; in the administration of remedies. Furthermore, at least one of the osteopathic bills already introduced gives the practitioners of that cult the authority to sign death certificates, etc., and makes them come under the supervision of health boards, etc., the *same as any other school of medicine!* Two Attorneys-General of this State have filed opinions that an osteopath is not a practitioner of medicine, nor a physician. There was nothing, in the law which has just been declared unconstitutional, which required an applicant to practice osteopathy, to exhibit his knowledge or training or proficiency in osteopathy; he merely had to file a diploma from some college approved by the board. And yet it is claimed by all colleges of osteopathy that they teach the same fundamental branches as are taught by schools of medicine, and that they only differ in the matter of materia medica and the practice of osteopathy. If this is the case, why not have the same fundamental standards of educational